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Attorneys for Defendant
 Wal-Mart Stores, Inc.

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL MONTGOMERY ,
 Plaintiff,

vs.

WAL-MART STORES, INC.;
 KINDERHOOK INDUSTRIES II, L.P.;
 KINDERHOOK INDUSTRIES, L.L.C.;
 KINERHOOK CAPITAL FUND II,
 L.P.; CRESTWOOD HOLDINGS, INC.;
 BERGAN, L.L.C.; JOHN ELMBURG;
 ROBERT ELMBURG; ERIC
 ELMBURG; ROCKY FLICK; HOME
 DEPOT U.S.A., INC.; and Does 1
 through 20, inclusive ,
 Defendants.

Case No. 12-CV-3057-JLS (DHB)
 Hon. Janis L. Sammartino
 Courtroom 3B

**JOINT MOTION TO CONTINUE
 THE JUNE 6, 2013 STATUS
 CONFERENCE PENDING
 FINALIZATION OF SETTLEMENT**

([Proposed] Order Submitted
 Concurrently Herewith)

Complaint Filed: December 24, 2012

Pursuant to Local Rule 7.2 of the Civil Local Rules, Plaintiff Michael
 Montgomery, Defendant Home Depot U.S.A., Inc. (“Home Depot”), and Defendant
 Wal-Mart Stores, Inc. (“Wal-Mart”) (collectively, “the Parties”), by and through their
 respective attorneys, submit this Emergency Joint Motion to Continue the June 6,
 2013 Status Conference Pending Finalization of Settlement of this case and would
 show as follows:

JOINT MOTION TO CONTINUE THE JUNE 6, 2013 STATUS CONFERENCE PENDING
 FINALIZATION OF SETTLEMENT
 12-CV-3057-JLS (DHB)

1 1. Blitz U.S.A., Inc. ("Blitz"), the alleged manufacturer of the portable
2 consumer gasoline container at issue in this case, filed for bankruptcy protection in the
3 United States Bankruptcy Court for the District of Delaware, under Chapter 11 of the
4 United States Bankruptcy Code. Plaintiff has a separate action pending against Blitz
5 in this Court (*Montgomery v. Blitz U.S.A., Inc. et al*, 11-cv-999 JLS (DHB)).

6 Plaintiff's claims against Blitz have been stayed under 11 U.S.C. § 362(a) and now
7 constitute claims in the Bankruptcy Court.

8 2. On March 29, 2013, the Court granted the parties' Joint Motions to
9 Suspend All Case Activity as to Home Depot and Wal-Mart. [ECF No. 52]

10 3. Plaintiff and Wal-Mart have participated in a number of mediation
11 sessions with Blitz and its carriers in an effort to resolve all of the pending lawsuits
12 across the nation related to injuries allegedly caused by portable consumer gasoline
13 containers manufactured by Blitz.

14 4. The creditors committee in the Blitz U.S.A., Inc. bankruptcy along with
15 Blitz U.S.A., Inc.'s insurers and Wal-Mart have continued to meet frequently to work
16 on details of settlement. The parties have made good progress. A hearing was held on
17 Friday, May 24, 2013, in the Blitz Delaware bankruptcy case during which the parties
18 reported that they are closer to the completion of a settlement agreement. Upon
19 completion, the settlement agreement will be presented to the Bankruptcy Court.

20 5. The Court has continued a hearing in this matter on the Kinderhook
21 Defendants' Motion to Dismiss to August 2, 2013, at 3 p.m. [ECF No. 65]

22 For all of the foregoing reasons the Parties respectfully jointly request a
23 continuance of the June 6, 2013 status conference to August 2, 2013.

ECF CERTIFICATION

Pursuant to section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures of the United States District Court for the Southern District of California, I, Paul B. La Scala, certify that the content of this document is acceptable to the undersigned counsel of record to affix his or her electronic signature hereto.

Dated: June 5, 2013

SHOOK HARDY & BACON L.L.P.

By: /S/ PAUL B. LA SCALA
Paul B. La Scala
Attorneys for Defendant Wal-Mart
Stores, Inc.

Dated: June 5, 2013

FERGUSON CASE ORR PATERSON L.L.P.

By: /S/ DAVID L. SHAIN
David L. Shain
Attorneys for Plaintiff Michael
Montgomery

Dated: June 5, 2013

GOODMAN NEUMAN HAMILTON LLP
By: /S/ PAVAN ROSATI
Pavan Rosati
Attorneys for Defendant Home Depot
U.S.A., Inc.